

U.S. District Court – District of Colorado
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:18-cv-00949-PAB-GPG

Rifle Remedies, LLC et al v. Internal Revenue Service, The
Assigned to: Judge Philip A. Brimmer
Referred to: Magistrate Judge Gordon P. Gallagher
Cause: 05:552 Freedom of Information Act

Date Filed: 04/23/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act of 1974
Jurisdiction: U.S. Government Defendant

Plaintiff

Rifle Remedies, LLC
a Colorado Limited Liability Company

represented by **Richard Allan Walker**
Thornburn Walker, LLC
5460 South Quebec Street
Suite 330
Greenwood Village, CO 80111
303-646-3482
Email: rwalker@thorburnwalker.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James David Thorburn
Thornburn Walker, LLC
5460 South Quebec Street
Suite 330
Greenwood Village, CO 80111
303-646-3482
Fax: 303-796-0899
Email: jthorburn@thorburnwalker.com
ATTORNEY TO BE NOTICED

Plaintiff

M&M Ventures, Inc.
a Colorado Corporation

represented by **Richard Allan Walker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James David Thorburn
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Daniel Meskin
an Individual

represented by **Richard Allan Walker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James David Thorburn
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Kari Meskin
an Individual

represented by **Richard Allan Walker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James David Thorburn
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Mike Miller
an Individual

represented by **Richard Allan Walker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James David Thorburn
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Michelle Miller
an Individual

represented by **Richard Allan Walker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James David Thorburn
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Medicinal Wellness Center, LLC
a Colorado Limited Liability Company

represented by **Richard Allan Walker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James David Thorburn
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Medicinal Oasis, LLC
a Colorado Limited Liability Company

represented by **Richard Allan Walker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James David Thorburn
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Judy Aragon
an Individual

represented by **Richard Allan Walker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James David Thorburn
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Michael Aragon
an Individual

represented by **Richard Allan Walker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James David Thorburn
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Standing Akimbo, LLC
a Colorado Limited Liability Company

represented by **Richard Allan Walker**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James David Thorburn
 (See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

John Murphy
an Individual

represented by **Richard Allan Walker**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James David Thorburn
 (See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Samantha Murphy
an Individual

represented by **Richard Allan Walker**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James David Thorburn
 (See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Internal Revenue Service, The

represented by **Nishant Kumar**
 U.S. Department of Justice – Tax Division
 P.O. Box 227
 Ben Franklin Station
 Washington, DC 20044
 202-514-2986
 Fax: 202-514-6866
 Email: nishant.kumar@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/23/2018	1	COMPLAINT against Internal Revenue Service (Filing fee \$ 400, Receipt Number 1082-6066167) Attorney James David Thorburn added to party Judy Aragon(pty:pla), Attorney James David Thorburn added to party Michael Aragon(pty:pla), Attorney James David Thorburn added to party M&M Ventures, Inc.(pty:pla), Attorney James David Thorburn added to party Medicinal Oasis, LLC(pty:pla), Attorney James David Thorburn added to party Medicinal Wellness Center, LLC(pty:pla), Attorney James David Thorburn added to party Daniel Meskin(pty:pla), Attorney James David Thorburn added to party Kari Meskin(pty:pla), Attorney James David Thorburn added to party Michelle Miller(pty:pla), Attorney James David Thorburn added to party Mike Miller(pty:pla), Attorney James David Thorburn added to party John Murphy(pty:pla), Attorney James David Thorburn added to party Samantha Murphy(pty:pla), Attorney James David Thorburn added to party Rifle Remedies, LLC(pty:pla), Attorney James David Thorburn added to party Standing Akimbo, LLC(pty:pla), filed by Michelle Miller, Standing Akimbo, LLC, Daniel Meskin, Medicinal Wellness Center, LLC, Judy Aragon, John Murphy, M&M Ventures, Inc., Medicinal Oasis, LLC, Rifle Remedies, LLC, Kari Meskin, Samantha Murphy, Michael Aragon, Mike Miller. (Attachments: # 1 Civil Cover Sheet Civil Cover Sheet, # 2 Summons IRS Summons,

		# <u>3</u> Summons US Attorney Summons, # <u>4</u> Summons Attorney General Summons, # <u>5</u> Exhibit Exhibit 1, # <u>6</u> Exhibit Exhibit 2, # <u>7</u> Exhibit Exhibit 3, # <u>8</u> Exhibit Exhibit 4, # <u>9</u> Exhibit Exhibit 5, # <u>10</u> Exhibit Exhibit 6, # <u>11</u> Exhibit Exhibit 7, # <u>12</u> Exhibit Exhibit 8, # <u>13</u> Exhibit Exhibit 9, # <u>14</u> Exhibit Exhibit 10, # <u>15</u> Exhibit Exhibit 11)(Thorburn, James) (Entered: 04/23/2018)
04/23/2018	<u>2</u>	Case assigned to Magistrate Judge Michael J. Watanabe. Text Only Entry. (rroge,) (Entered: 04/24/2018)
04/23/2018	<u>3</u>	SUMMONS issued by Clerk. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Magistrate Judge Consent Form) (rroge,) (Entered: 04/24/2018)
04/24/2018	<u>4</u>	ORDER Setting Scheduling/Planning Conference and Setting Deadline for Filing of Consent/Non–Consent Form, by Magistrate Judge Michael J. Watanabe on 4/24/2018. Consent/Non–Consent Form due on or before 7/3/2018. Scheduling/Planning Conference set for 7/17/2018 09:30 AM in Courtroom A 502 before Magistrate Judge Michael J. Watanabe. (slibi,) (Entered: 04/24/2018)
04/24/2018	<u>5</u>	MOTION for Leave to Restrict by Plaintiffs Judy Aragon, Michael Aragon, M&M Ventures, Inc., Medicinal Oasis, LLC, Medicinal Wellness Center, LLC, Daniel Meskin, Kari Meskin, Michelle Miller, Mike Miller, John Murphy, Samantha Murphy, Rifle Remedies, LLC, Standing Akimbo, LLC. (Thorburn, James) (Entered: 04/24/2018)
04/24/2018	<u>6</u>	NOTICE re <u>5</u> MOTION for Leave to Restrict by Plaintiffs Judy Aragon, Michael Aragon, M&M Ventures, Inc., Medicinal Oasis, LLC, Medicinal Wellness Center, LLC, Daniel Meskin, Kari Meskin, Michelle Miller, Mike Miller, John Murphy, Samantha Murphy, Rifle Remedies, LLC, Standing Akimbo, LLC (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 4, # <u>3</u> Exhibit 7)(Thorburn, James) (Entered: 04/24/2018)
05/01/2018	<u>7</u>	MINUTE ORDER granting <u>5</u> Motion for Leave to Restrict Public Access, by Magistrate Judge Michael J. Watanabe on 5/01/2018. The Clerk is directed to place Docket Nos. 1–5, 1–8, and 1–11 under Level 1 Restriction. The Court will accept Docket Nos. 6–1, 6–2, and 6–3 as the redacted versions of Exhibits 1, 4, and 7 to the Complaint. (slibi,) (Entered: 05/01/2018)
06/04/2018	<u>8</u>	CERTIFICATE of Mailing/Service re <u>1</u> Complaint,,,,, by Plaintiffs Judy Aragon, Michael Aragon, M&M Ventures, Inc., Medicinal Oasis, LLC, Medicinal Wellness Center, LLC, Daniel Meskin, Kari Meskin, Michelle Miller, Mike Miller, John Murphy, Samantha Murphy, Rifle Remedies, LLC, Standing Akimbo, LLC. (Thorburn, James) (Entered: 06/04/2018)
06/07/2018	<u>9</u>	NOTICE of Entry of Appearance by Nishant Kumar on behalf of Internal Revenue Service, The Attorney Nishant Kumar added to party Internal Revenue Service, The(pty:dft) (Kumar, Nishant) (Entered: 06/07/2018)
06/28/2018	<u>10</u>	Joint MOTION to Continue /Reschedule Conference by Defendant Internal Revenue Service, The. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Kumar, Nishant) (Entered: 06/28/2018)
06/28/2018	<u>11</u>	MINUTE ORDER granting <u>10</u> Joint Motion to Reschedule Case Planning Conference, by Magistrate Judge Michael J. Watanabe on 6/28/2018. Scheduling Conference set for 7/17/2018 is VACATED and RESET to 8/22/2018 01:30 PM in Courtroom A 502 before Magistrate Judge Michael J. Watanabe. The proposed Scheduling Order shall be filed on or before August 15, 2018. The Consent/Non–Consent deadline is extended to August 8, 2018. (slibi,) (Entered: 06/28/2018)
07/02/2018	<u>12</u>	ANSWER to <u>1</u> Complaint,,,,, by Internal Revenue Service, The.(Kumar, Nishant) (Entered: 07/02/2018)
08/02/2018	<u>13</u>	CONSENT to Jurisdiction of Magistrate Judge by Plaintiffs Judy Aragon, Michael Aragon, M&M Ventures, Inc., Medicinal Oasis, LLC, Medicinal Wellness Center, LLC, Daniel Meskin, Kari Meskin, Michelle Miller, Mike Miller, John Murphy, Samantha Murphy, Rifle Remedies, LLC, Standing Akimbo, LLC All parties do not consent.. (Thorburn, James) (Entered: 08/02/2018)
08/02/2018	<u>14</u>	Unopposed MOTION for Leave to Appear by Telephone at Case Conference by Defendant Internal Revenue Service, The. (Attachments: # <u>1</u> Proposed Order (PDF

		Only))(Kumar, Nishant) (Entered: 08/02/2018)
08/02/2018	15	CASE REASSIGNED. All parties do not consent. This case is randomly reassigned to Judge Wiley Y. Daniel. All future pleadings should be designated as 18-cv-00949-WYD. (Text Only Entry) (slibi,) (Entered: 08/02/2018)
08/07/2018	16	MEMORANDUM RETURNING CASE by Judge Wiley Y. Daniel. (rkeec) (Entered: 08/07/2018)
08/07/2018	17	CASE REASSIGNED pursuant to <u>16</u> Memorandum Returning Case. This case is randomly reassigned to Judge Philip A. Brimmer. All future pleadings should be designated as 18-cv-00949-PAB. (Text Only Entry) (rkeec) (Entered: 08/07/2018)
08/08/2018	18	MINUTE ORDER. The Scheduling Conference set for August 22, 2018 is VACATED. After the new Magistrate Judge assigned to this case is sworn in, counsel shall contact the Magistrate Judge's Chambers at 303-844-2403 to reset the Scheduling Conference. Defendant's Motion for Leave to Appear by Telephone <u>14</u> is denied as moot. By Judge Philip A. Brimmer on 8/8/18. Text Only Entry (pabsec) (Entered: 08/08/2018)
08/15/2018	19	ORDER REFERRING CASE to Magistrate Judge N. Reid Neureiter for non-dispositive matters. Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b), this case is referred to the assigned United States Magistrate Judge to (1) convene a scheduling conference under Fed. R. Civ. P. 16(b) and enter a scheduling order meeting the requirements of D.C.COLO.LCivR 16.2, (2) conduct such status conferences and issue such orders necessary for compliance with the scheduling order, including amendments or modifications of the scheduling order upon a showing of good cause, (3) hear and determine pretrial matters, including discovery and other non-dispositive motions, and (4) conduct a pretrial conference and enter a pretrial order. Court sponsored alternative dispute resolution is governed by D.C.COLO.LCivR 16.6. On the recommendation or informal request of the magistrate judge or on the request of the parties by motion, this court may direct the parties to engage in an early neutral evaluation, a settlement conference, or another alternative dispute resolution proceeding. By Judge Philip A. Brimmer on 8/15/18. Text Only Entry (pabsec) (Entered: 08/15/2018)
08/17/2018	20	MINUTE ORDER Scheduling/Planning Conference set for 9/11/2018 10:00 AM in Courtroom C205 before Magistrate Judge N. Reid Neureiter, by Magistrate Judge N. Reid Neureiter on 8/17/2018. The proposed Scheduling Order shall be filed on or before September 4, 2018. Defendant may appear by telephone by calling chambers (303-335-2403) at the scheduled time. (slibi,) (Entered: 08/17/2018)
08/20/2018	21	ORDER by Judge Philip A. Brimmer on 08/20/2018. ORDERED that the Clerk of the Court shall reassign this case to Magistrate Judge Gordon P. Gallagher as the referral judge. All further pleadings in this case shall reflect the case number of 18-cv-00949-PAB-GPG. (sphil,) (Entered: 08/20/2018)
08/20/2018	22	REASSIGNING MAGISTRATE JUDGE. Pursuant to <u>21</u> Order, this action is directly reassigned to Magistrate Judge Gordon P. Gallagher as the referral judge. All future pleadings should be designated as 18-cv-00949-PAB-GPG. (Text Only Entry). (sphil,) (Entered: 08/20/2018)
08/23/2018	23	ORDER: Scheduling Conference which had been set for 9/11/2018 with Magistrate Judge Neureiter is hereby VACATED and is re-set for 9/14/2018 11:00 AM in Room 323 (Grand Junction) before Magistrate Judge Gordon P. Gallagher. A Scheduling Conference is set in GRAND JUNCTION, Colorado at the Wayne Aspinall Federal Building – United States Courthouse, 400 Rood Avenue, Grand Junction, CO 81501 before U.S. Magistrate Judge Gordon P. Gallagher. The parties shall comply with the Instructions to Scheduling Order for U.S. Magistrate Judge Gordon P. Gallagher which can be found at www.cod.uscourts.gov . Parties concerned regarding travel time and expense to Grand Junction for appearances before the Magistrate Judge are referred to this Magistrate Judge's policy in that regard which can be found at the above website. By Magistrate Judge Gordon P. Gallagher on August 23, 2018. Text Only Entry (gpgsec) (Entered: 08/23/2018)
09/05/2018	24	Unopposed MOTION for Leave to Appear by Telephone 23 Order,,, by Defendant Internal Revenue Service, The. (Attachments: # <u>1</u> Proposed Order (PDF

		Only))(Kumar, Nishant) (Entered: 09/05/2018)
09/05/2018	<u>25</u>	MEMORANDUM regarding <u>24</u> Unopposed MOTION for Leave to Appear by Telephone filed by Internal Revenue Service, The. Motion referred to Magistrate Judge Gordon P. Gallagher by Judge Philip A. Brimmer on 9/5/18. Text Only Entry (pabsec) (Entered: 09/05/2018)
09/05/2018	<u>26</u>	Unopposed MOTION for Leave to <i>Appear by Telephone</i> 23 Order,,, by Plaintiffs Judy Aragon, Michael Aragon, M&M Ventures, Inc., Medicinal Oasis, LLC, Medicinal Wellness Center, LLC, Daniel Meskin, Kari Meskin, Michelle Miller, Mike Miller, John Murphy, Samantha Murphy, Rifle Remedies, LLC, Standing Akimbo, LLC. (Thorburn, James) (Entered: 09/05/2018)
09/05/2018	<u>27</u>	MEMORANDUM regarding <u>26</u> Unopposed MOTION for Leave to <i>Appear by Telephone</i> 23 Order filed by Michelle Miller, M&M Ventures, Inc., Kari Meskin, Standing Akimbo, LLC, Daniel Meskin, Judy Aragon, Rifle Remedies, LLC, Samantha Murphy, Medicinal Oasis, LLC, Michael Aragon, John Murphy, Mike Miller, Medicinal Wellness Center, LLC. Motion referred to Magistrate Judge Gordon P. Gallagher by Judge Philip A. Brimmer on 9/5/18. Text Only Entry (pabsec) (Entered: 09/05/2018)
09/06/2018	<u>28</u>	ORDER granting <u>24</u> Motion for Leave to Appear by Telephone. The parties shall contact the Court at (970) 241-8932, Extension 8225 at the time of the hearing. The parties shall coordinate among themselves so that all parties are on one conference call at the time the call is placed to the Court. The Court does not have the ability to conference multiple parties so all parties are to be on the line at the time the Court is contacted. By Magistrate Judge Gordon P. Gallagher on September 6, 2018. Text Only Entry (gpgsec,) (Entered: 09/06/2018)
09/06/2018	<u>29</u>	ORDER granting <u>26</u> Motion for Leave to Appear by Telephone. The parties shall contact the Court at (970) 241-8932, Extension 8225 at the time of the hearing. The parties shall coordinate among themselves so that all parties are on one conference call at the time the call is placed to the Court. The Court does not have the ability to conference multiple parties so all parties are to be on the line at the time the Court is contacted. By Magistrate Judge Gordon P. Gallagher on September 6, 2018. Text Only Entry (gpgsec) (Entered: 09/06/2018)
09/07/2018	<u>30</u>	Proposed Scheduling Order by Plaintiffs Judy Aragon, Michael Aragon, M&M Ventures, Inc., Medicinal Oasis, LLC, Medicinal Wellness Center, LLC, Daniel Meskin, Kari Meskin, Michelle Miller, Mike Miller, John Murphy, Samantha Murphy, Rifle Remedies, LLC, Standing Akimbo, LLC. (Thorburn, James) (Entered: 09/07/2018)
09/14/2018	<u>31</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Gordon P. Gallagher: Scheduling Conference held on 9/14/2018. In this FOIA matter, the parties apprized the Court of the need for a customized Scheduling Order and also advised the Court of matters in dispute concerning disclosures. ORDERED: The parties should confer and submit a revised Scheduling Order within ten (10)days. FTR: Grand Junction-am. (nmarb,) (Entered: 09/14/2018)
09/24/2018	<u>32</u>	Proposed Scheduling Order <i>Joint Scheduling Plan</i> by Plaintiffs Judy Aragon, Michael Aragon, M&M Ventures, Inc., Medicinal Oasis, LLC, Medicinal Wellness Center, LLC, Daniel Meskin, Kari Meskin. (Thorburn, James) (Entered: 09/24/2018)
10/01/2018	<u>33</u>	JOINT SCHEDULE by Magistrate Judge Gordon P. Gallagher on 10/1/18. (nmarb,) (Entered: 10/02/2018)
02/22/2019	<u>34</u>	MOTION to Amend/Correct/Modify <u>33</u> Scheduling Order by Defendant Internal Revenue Service, The. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Kumar, Nishant) (Entered: 02/22/2019)
02/22/2019	<u>35</u>	MEMORANDUM regarding <u>34</u> MOTION to Amend/Correct/Modify <u>33</u> Scheduling Order filed by Internal Revenue Service, The. Motion referred to Magistrate Judge Gordon P. Gallagher by Judge Philip A. Brimmer on 2/22/19. Text Only Entry (pabsec) (Entered: 02/22/2019)
02/22/2019	<u>36</u>	ORDER taking under advisement <u>34</u> Motion to Amend/Correct/Modify: Plaintiff Shall file any response to the IRS' proposal within seven (7) days. by Magistrate Judge

		Gordon P. Gallagher on 2/22/19. Text Only Entry (GPG) (Entered: 02/22/2019)
02/22/2019	<u>37</u>	Unopposed MOTION to Amend/Correct/Modify <u>33</u> Scheduling Order by Plaintiffs Judy Aragon, Michael Aragon, M&M Ventures, Inc., Medicinal Oasis, LLC, Medicinal Wellness Center, LLC, Daniel Meskin, Kari Meskin, Michelle Miller, Mike Miller, John Murphy, Samantha Murphy, Rifle Remedies, LLC, Standing Akimbo, LLC. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Thorburn, James) (Entered: 02/22/2019)
02/25/2019	<u>38</u>	ORDER by Magistrate Judge Gordon P. Gallagher on 2/25/19 GRANTING <u>37</u> Motion to Modify Scheduling Order. Status Report due by 7/30/2019 and set forth at that time a proposed schedule of dispositive motions. (nmarb,) (Entered: 02/25/2019)
02/26/2019	39	ORDER granting <u>34</u> Motion to Amend/Correct/Modify. By Magistrate Judge Gordon P. Gallagher on February 26, 2019. Text Only Entry (gpgsec) (Entered: 02/26/2019)